

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE EX PARTE APPLICATION OF
HMD GLOBAL OY FOR AN ORDER
UNDER 28 U.S.C. § 1782 TO OBTAIN
DISCOVERY FOR USE IN FOREIGN
PROCEEDINGS

Case No. 25-mc-80022-VKD

ORDER SETTING DEADLINES

HMD Global Oy (“HMD”) has filed an application¹ for an order pursuant to 28 U.S.C. § 1782 authorizing service of a subpoena for documents on Apple Inc. (“Apple”). This application requires a case-dispositive decision, and absent consent of all parties, this Court lacks jurisdiction to hear and decide this matter. *See* 28 U.S.C. § 636(c)(1); *CPC Pat. Techs. Pty Ltd. v. Apple, Inc.*, 119 F.4th 1126 (9th Cir. 2024); *Williams v. King*, 875 F.3d 500 (9th Cir. 2017).

Apple shall file a response to the petition by **February 19, 2025**, without prejudice to its opportunity to file a motion to quash or modify the subpoena, if one is issued.

HMD must file a “Consent or Declination to Magistrate Judge Jurisdiction”² form indicating whether it consents to or declines magistrate judge jurisdiction no later than **February 26, 2025**. After appearing, Apple also must file a “Consent or Declination to Magistrate Judge Jurisdiction” form indicating whether it consents to or declines magistrate judge jurisdiction no later than **February 26, 2025**. Any party is free to withhold consent to proceed before a

¹ Although HMD’s application is styled as an “ex parte” filing, HMD has filed a certificate of service indicating that the application has been served on Apple. *See* Dkt. No. 7.

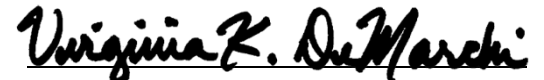
² The form is available at https://cand.uscourts.gov/mj_consent-declination_form_10-2020/

magistrate judge without adverse substantive consequences. Fed. R. Civ. P. 73(b)(2).

If the Court does not have consent of both HMD and Apple by **February 26, 2025**, the Court will order the Clerk to reassign this matter to a district judge.

IT IS SO ORDERED.

Dated: February 5, 2025


Virginia K. DeMarchi
United States Magistrate Judge

United States District Court
Northern District of California